A CONSIDERATION AND A RESOLVTION.

First, concerning the right of the Laity in Nationall Councells.

Secondly, concerning the power of Bishops in affaires Secular.

Prepared for the Honorable House of *PARLIAMENT.*

Together with Three Speeches.

The first concerning the freedome of M. Wilson, ***a Minister in*** Kent.

The second at a grand Committee of the whole house for Religion.

The third at a delivery of a Petition out of Kent, ***concerning the present governement of the Church.***

Pamph 44 Wood D. 31. (25)

BY

Sir EDVVARD DEERING, Knight and Baronet.

The three former Speeches were Printed by an imperfect Copie.

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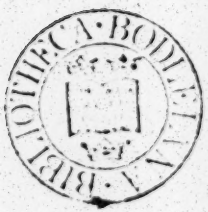
BIBLIOTHECA BODLEIANA

A CONSIDERATION VPON THE LATE *CANONS.*

THat the late Canons are invalidous, it will easily appeare, and that they are so originally in the foundation, or rather in the founders of them, I will assume upon my selfe to demonstrate, having first intimated my sence by way of preparative.

The Pope (as they say) hath a triple Crowne, answerable thereunto, and to support that, hee pretends to have a threefold Law. The first is, *jus divinum*, *Episcopacie by divine right*; and this hee would have you thinke to be the Coronet next his head, that which doth circle and secure his power. Our Bishops have (in an unlucky time)

entred their plea and pretended title to this Crowne, *Epiſcopacy by divine right.*

The ſecond is *Ius humanum, Conſtantin's* donation, the gift of indulgent Princes; Temporal power. This Law belongs to his ſecond, or his middle Crowne; already alſo pleaded for by our Prelates in print.

Theſe two Crownes being obtained, he (the Pope) doth frame and make his third Crowne himſelfe, and ſetts that upmoſt, upon the toppe —— This Crowne alſo hath its Law, and that is *Ius Canonicum*, the Canon law, of more uſe unto his Popeſhip then both the other —— Iuſt ſo our Prelates from the pretended divinity of their Epiſcopacy, and from the temporall power granted by our Princes they would now obtrude a new *Canon-Law* upon us.

They have charged their *Canons* at us to the full, and never fearing that ever they would recoyle backe into a Parliament they have rammed a prodigious ungodly oath into them.

The illegality and invalidity of theſe Canons (as I conceive) is eaſily diſcoverable by one ſhort queſtion, *viz.* what doe you call the meeting wherein they were made? give it a name to know it by: who can frame his argument aright unleſſe hee can firſt tell againſt what hee is to argue? would you confute the *Convocation*? they were

were a *holy Synod?* would you argue against the *Synod?* why they were *Commissioners*, would you dispute the *Commission?* they will mingle all powers together and answer that they were some fou[illegible]hing, that we neither know nor imagine.

Quo teneam nodo mutantem Protea? unlesse they will unriddle thẽselves, & owne what they were, we may prosecute, but hardly with concludent arguments. Yet I venture.

I have conferred with some of the founders of these new Canons, but I professe clearely, that I could never yet meete with any one of that assembly, who could (in behalfe of their meeting) well answer me the first question in the Catechisme, what is your name? Alas, they are parted before they know what they were when they were together.

The summe of the severall answers, that I have received, doth amount to this. They were a *Convocationall — Synodicall — assembly of Commissioners*, indeede a threefold *Chimæra*, a monster to our Lawes, a *Cerberus* to our Religion.

A strange *Commission* wherein no one Commissioners name is to bee found. A strange Convocation that lived when the Parliament was dead: A strange *holy Synod* where one part never saw, never conferred with the other. —— But indeede

what use or need of conference, if that bee true of these Canons, which I reade of the former ones, *Notum est Canones formari Lam[illegible]e, priusquàm in Synodo ventilentur?*

Thus farre preparatory. I proceede to my argument, whereby to manifest the invalidity of these Canons, not borrowing but avoiding what have formerly beene instanced by others.

I will neither inveigh upon them as unnamed *Commissioners*, nor infirme them as the worke of a dead *Convocation*; But will take them in the capacity of their owne affected title of a *Synod*. Such they bragged themselves to bee whilest they sate: Such they stile themselves in the Title-page of these (never to be Canonized) Canons — The words are — *Canons treated upon in Convocation — agreed upon in Synod.*

Thus treating in one capacity and agreeing in another: is a new mould to cast Canons in never used before. Canons bredde, in a Convocation, borne in a Synod. Thus although wee finde not one good father, here are yet two mothers to one illfavored child; never knowne before, nor imagined but of *Bacchus*, whom the Poet calls among other attributes——— *Solúmque bimatrem.*

I proceede, if their meeting be a Synod either

eyther it is so by *Donation*, by *Election*, or onely by *Vsurpation*.

Donation from the King, is this title and authority, indulged to them by his Majestie: Looke through all his highnesse Letters Patents, and they are not once saluted with the ambitious title of a *Synod*. Yet in the Canons they have assumed it seventeen times, it is their owne pride, their owne presumption.

The King hath not done it, (pardon me) no Prince ever did it or can doe it; no power Regall, Imperiall, or Papall did ever attempt it, to ordaine that *William*, & *Richard*, *Mathew* and *Iohn*, &c. and I know not who more, being met and assembled upon other summons shall by a *Commission* be on a sudden translated from what they were, into an unthought-of *nationall Synod*, without voyce or choyse of any man to bee concerned: this never was done, this never can be well done.

As for due election for such meetings, this indeede is or ought to bee of the true *esse* to a Legitimate *Synod*. But due election made up by voyces is so much a stranger to this *Synod*, that their fatherhoods will confesse that they were never trusted to this *Synod*, as a *Synod* by any, either of the Clergy or of the Laity.

Concerning the choise of a few of them, and

and but a few (about 50. as I gueſſe) choſen to the Convocation houſe, that will never render them a lawfull Synod, untill they can prove *metamorphoſis* and *Tranſubſtantiation.* —— For the votes of all their chuſers upon expiration of the Convocation houſe returned backe home to every mans boſome from whence they breathed. So that if you will en-live the ſame men to bee now *Synodall*, who were before but Convocationall, you muſt renew the old *Pythagorean Tranſmigration*, for they want the breath and life of an *election.* A new one you have not, and the old one is not to be had but by μετεμψύχωσις.

Beſides I do affirme & ſhall approve, that the electors to a *Convocation* and to a *Synod* are not all one. The Clergie only doe, and of right onely ought to chuſe unto the Convocation houſe. The reaſon; we of the Laity (ſo they will call us) have our houſes of Commons where our Truſtees by vertue of our voyces doe ſit at the ſame time. But in the choice unto a *Synod*, wee who muſt be bound by the determinations of the *Synod*, ought alſo to be intereſſed in the parties determining. This is cleare enough in reaſon, and will bee better cleared preſently.

Of *Synods* I finde five ſeverall ſorts, firſt a generall or univerſall Synod; ſecondly, Patri-

Patriarchichall, Thirdly National, fourthly Provinciall, fiftly a Dioceſan Synod. I paſſe by the two firſt and laſt, as not pertinent to this time and affaire. Concerning Provinciall and Nationall Synods a word or two; if I knew which to call their late meeting. They runne on in riddles: and I want *Oedipus* at every turne.

Theſe *Canons*, were they forged in one Synod *Nationall*, or in two *Provincialls*? — were they two Provinciall Synods? how then come their Actes and Canons to bee imbodyed together? how comes it to paſſe that all the Canons ſpeake in the ſingular number? The *Synod*; *The holy Synod*; *The Sacred Synod*. Sacred will now be hardly granted, unleſſe as the Poet doth, — *Auri ſacra fames*.

Was it then but one? was it a *Nationall Synod*? why the Provinces (wee all know) never did convene, they never met together. Looke on the repreſentative body of the Commons of this whole Land: every one within the ſame walles hearing every ones argument, and thereupon mending, altering, and (as occaſion is) correcting his own judgement, & afterwards (ὁμοθυμαδὸν,) joyning in unanimous conſent. And if the able members of the North beyond *Trent* were divided frō the reſt, there would be quickly found a want of their worth and weight,

nor could their ſitting at the ſame time at *Yorke*, make the reſt a houſe of Commons here, for the whole Kingdome muſt be repreſented entire.

But as we have done the Title *Synod*, ſo let us give them the attribute Nationall, a *Nationall Synod*, and yet ſee how inconſiſtant and invalidous they are!

The very *eſſe* of every Synod doth conſiſt in a double foundation. *Fundamentum materiale* and *fundamentum formale*.

The due materialls of a *Synod* are the interiour qualities and indowments of the perſons whereof the *Synod* conſiſteth, not their externall dignityes and promotions. And therefore every man thus qualified is as capable to bee of the *Synod*, as any *Deane* or *Archdeacon* of them all.

The *fundamentum formale*, is *Delegatio ab eccleſia & debita electio*. A due choyce to be made by all that are or ſhall bee concerned in the determinations of the *Synod*. and this truſt of choyce may fall upon another man, as well and as ſeone as upon *Deane* or *Archdeacon*.

I will not quarell the want of able parts in any the members of that late doubtfull dangerous meeting: I grant them the materialls of a true *Synod*, but will inſiſt onely upon the ſecond, want of forme, want of due election: which if they want the

moſt

most virtuall and most obliging tye, and the most binding part is wanting.

That they had no such election, we need not goe forth to prove; No one man in the Kingdome can say that he gave a voice to the election of any one *Deane* or *Archdeacon* to sit for him in that *Synod*, nor were the Clarkes chosen by all who were to be bound. So then there remaineth only to bee proved this. That such election of persons, by all persons to be concerned in the Decrees, and Canons, is necessary to the constituting of a lawful Synod; which is all one as to say, that the elections to a *Synod* ought to by, both be the Clergy and the Laity.

I will trouble you but with one reason, and a very few instances, all briefely.

The Acts and Canons of every Lawfull Nationall Councell or Synod, ought to binde the whole Nation both Laity and Clergie: But this cannot bee reasonable and just, if the Laity bee excluded both from consultation and from choyce of consulters. The reason is plaine. It is ground in nature, and so confessed upon this very case by Dr. *Feild*, who hath it out of *Occom* ——— *quod omnes tangit ab omnibus tractari debet*. And this is so cleare a maxime, that in this very sence also; for the Laity to be present at Coun-

calls this very *Aphorisme* is used by the Pope in his own gloſſe upon the Canoniſt * *Gratian. Quod omnes tangit ab omnibus tractari debet.* Surely our Clergie are much too high, if herein they would outgoe the very Canons of the Papall Synods, and conclude that which ſhall binde all, where all are not admitted to treate; neither by themſelves nor by proxy.

Now the benefit of this Law of nature and of Reaſon (as Dr. *Field* calleth it) we clayme. The preſent *Canons* doe concerne us. I may be a Church-warden, my ſonne may bee a Maſter of Art; then muſt I preſent upon their yet unborne articles, and he muſt ſweare their oath of Covenant—— well, they were never truſted by us unto a *Synod*, and therefore ought not to tye us up un-heard, it is againſt *nature* and *reaſon*.

To ſecond this Argument by inſtance in proofe of practice, I ſhall produce a few, and but a few of many examples and authorities: the originalls I cannot now Command, but muſt bee content to name a few extracts, which by way of tranſcript doe walke along with my *vademecum*.

The point that I would eſtabliſh is this, that in *Synods* and Councells where Lay men are concerned in the Decrees, there the Laity ought to be preſent to conſult

if

if not also to decide the conclusions. I will but point, I will not enlarge to the vouching every place *verbatim*; Dr. *Feild*, Dr. *Fulke*, *Goularius*, are cleare and positive in this point.

Our Statutes for correcting & gathering together the former *Canons* into a new body, doe clearely evidence this unto us; in all which there is an equall proportion mixed, fifteene of the Clergie and as many of the Laity.

The Author of the history of *Trent* is frequent in this point, adding this for a reason, that in a *generall Councell*, the universall Church cannot bee represented if the Laity be excluded. So by the rule *a partibus*: The reason holdeth the same, a *Nationall Councell* cannot represent a Nation if but one degree of men, men of one quality and capacity be onely present, and the rest altogether excluded.

Gratian, the Canonist doth allow the Laity to bee present, especially in such Councells as doe treate of faith, and for proofe doth vouch Pope *Nicolas*.

I will omit many proofs of many Emperours being personally present and president in many Councells, by themselves and sometimes by their vicegerents, as *Marcellinus*, *Candidianus*, *Martianus*, &c. yet even this is argumentative for us, and a

preſervative of our right, for the Laity to be preſent.

The Greeke hiſtorians are ſo plentifull that I will but name them.

Theodoret. ——— ——— *l.* 5. *c.* 9.
Euſebius de vita Conſtantin. *l.* 3. *c.* 9 & 10
Sozomen. ——— ——— *l.* 1. *c.* 16. & 17.
Niceph. Calliſtus. ——— *l.* 8. *c.* 15.
Socrates. ——— *l.* 1. *c.* 5. & *l.* 6. *c.* 2.

Among the Latine fathers *Cyprian* is very plentifull.

As for Councells, looke,

Nice. 1. vouched by *Euſebius de vita Conſtantini* — 4 *conc. Carthag.* cited by *Gratian.* ——— The Councell of *Eliberis* in Spaine. Councell of *Conſtantinople* in *Theodoret.* — Councell of *Conſtance*; And the ſecond of *Nice.* — where it is ſaid of that imperiall Lady the famous *Pulcheria Auguſta*, that *ipſa per ſemet ipſam in ſancta quarta Synodo ſedit* — which fourth Synod was with *Martianus* the Emperour.

To theſe I adde the very *ordo celebrandi concilia* written by *Iſidor*, and like unto the *Modus tenendi Parliamentum.*

Thus much for humane teſtimonie, I have done with my haſty notes, onely I adde this, and I beſeech you to intend it.

Whileſt we of the Laity had our pow-

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er and voices to chuſe our owne Miniſters, and our owne Biſhops, (which was our ancient right, conſtantly allowed & practiſed in the beſt Primitive times, whereof the proofes are yet evident enough) ſo long (I ſay) we might truſt them in a *Synod*, whom wee firſt had truſted to direct and guide our ſoules in all the miniſteriall function. —— But to conclude us up now and ſhut us out contrary to the Law of *Nature* and *Reaſon*, contrary to ancient uſages: not to admit us to determination, nay to exclude us from conſultation, and after all to take from us all aſſent both in choyſe and in refuſall of Paſtors to be ſet over us, and yet to binde us by decrees ſo made, may prove (I feare) no leſſe then ſoule-tyranny. I doe not preſſe the deſerved right of our choyſe of Paſtors: but one thing more, lend me patience to adde as ſupreme *Corona* to all that I have ſaid for right of Laity in *Synods*.

Looke I beſeech you in the firſt *Synod* that ever was held in the Chriſtian Church and that for ſo great and ſingular a cauſe as never was occaſion for the like in the world before or ſince: you have it in the firſt of the *Acts* of the holy Apoſtles, and it is for the choice of a new Apoſtle. There were in this *Synod* and of this *Synod*, the eleven Apoſtles, *Acts* 1. 13. *with the bre-*

thren

of the Lord, verse 14. There were *the Disciples*, there was *Turba* ὄχλος a multitude, of *about a* 120 *names, ver.* 15. Saint *Peter* tells them that out of that number *one must bee ordained to be a witnesse of the resurrection* of our Saviour; thereupon what doth the multitude of Disciples there present. ἔστησαν *verse* 23. *they place or set two before the Apostles*: And the same men *viz.* all the Disciples *verse* 26. ἔδωκαν κλήρους αὐτοῖς *they give forth their lots*, and thereupon, the lot falling upon *Matthias*, he *was numbred* (saith our Translation) *with the eleven Apostles*; but the Originall is more συγκατεψηφίσθη *communibus calculis annumeratus est*, he was by common assent or by common voyces reckoned with the eleven. Now who were these common voyces, who were these 120 men? Evangelists, Bishops, Deacons, and Presbyters or Elders, as yet there was not one in all the world, the Apostles were but eleven, perhaps not numbred in this 120. The Disciples if you will say, that they were there and were Clergy men, yet they were but 70. So that here is no evasion: the Laity were present, and not passive only, they were active in this so originall, so weighty a *Synod*.

My second instance in this kinde, is out of the second Councell that ever wee read was held, and this is *Acts* 6. where the Apostles

poſtles call a Councell for the choyſe of 7 deacons. Then the twelve *called the multitude of the Diſciples to them*, *ver.* 2. τὸ πλῆθος τῶν μαθητῶν. They being aſſembled doe not ſay, we have decreed, we have ordered and ordayned, and injoyned, but their language is *verſe* 3. ἐπισκέψασθε ἀδελφοὶ, *brethren looke ye out*, the word is the ſame as ἐπίσκοπος both from ἐπισκοπεῖν to overſee, doe you overſee among you, ſeven men of honeſt report. And *the ſaying* (as it is *verſe* 5.) *pleaſed* ἀρεστὸν παντὸς τοῦ πλήθους, *the whole multitude*, there is a conſent of theirs, more plaine in ἐξελέξαντο they *the multitude choſe ſeaven, Stephen and Philip*, *&c.* οὓς ἔστησαν ἐνώπιον τῶν Ἀποστόλων whom they (ſtill the *multitude* τὸ πλῆθος) *verſe* 6. did ſet or place before the Apoſtles.

The third and the laſt ſhall be the παγκαθολικὸν the great and generall Councell held by the *Apoſtles* upon the diſſention of the Church in point of Circumciſion (and that is *Acts* 15.) there you ſhall againe finde preſent, πᾶν τὸ πλῆθος *verſe* 12. *All the multitude*: but you will ſay and object that the next word is ἐσίγησεν *the multitude kept ſilence*. True, *ergo* what? Therefore they ſpeake not at all in this Councell? nothing leſſe. But *ergo* they had ſpoken before: for it is plaine by the word. *Then all the multitude kept ſilence*. If they had nothing there to doe but to be alwaies ſilent, this particle of time, *Then* might well have beene ſpared.

This may perhaps be objected and therefore ought to bee prevented, for the further clearing whereof, obſerve (I pray) the next verſe, *v.* 13 where in like manner, it is ſaid of *Paul* and *Barnabas* μετα δε το σιγησαι αυτους *And after they held their peace, ergo* they had ſpoken. And therefore the Fryer who collected together a body of Councells (*Peter Crabbe the German*) doth even from this place inferre a conſent of the people ſaying, *Tacuit omnis multitudo Conſentiens Petro.*

But if you would have this more clearely evidenced beyond all exceptions, I pray take notice of the reſolution of this Synod, *verſe* 22. *Then pleaſed it the Apoſtles and Elders with the whole Church.* With the whole Church, what is that? The bleſſed Apoſtles and their fellow labourers did not engroſſe, and (as our Church-men affect to doe) uſurpe and monopolize the word Church, as proper onely to Churchmen.— No you ſhall finde it even in the *Epigraphe* of the Canons and Decrees of this true, holy, and ſacred *Synod*, that the deſpiſed Laity are in theſe Canons conjoyned with the bleſſed Apoſtles although Pope and Patriarch, Primate and Metropolitan, Archbiſhop and Biſhops, yea even downe to Deane and Archdeacon: (I have heard it) doe diſpiſe the thought of admitmitting the Laity. I do not ſay to deciſion,

but

but even to Consultation, nay to the very choyce of consulters in Religion: nay lower even so much as to have a negative power, when a man of inabilitie, and of ill life is obtruded upon them; I proceed, for I would not *orare* but *probare*, looke *verse* 23. They that were present had voyce, They who voiced the *Canons*, joyned in the decree, and sending the decree unto *Antioch*. The words are thus, *The Apostles and Elders, and Brethren send greeting to the Brethren which are in Antioch, &c.* Here the *Brethren* at *Hierusalem* are (with the *Apostles* and the *Elders*) actors in and authors of the *Canons* in this Councell agreed. There is no evasion, no elusion, to be had, unlesse you can prove that all the *Brethren* in *Antioch* to whom these *Brethren* in *Hierusalem* did write, were onely Clergie men.

Which if you should affirme, our Clergy will hardly bee pleased with you, for they must then be of the *multitude* (not a speciall lot) for *Barnabas* and *Paul* did deliver this Epistle (being the decree of this Synod) to *the multitude* τὸ πλῆθος as it is found in the 30 *verse*. *And when they had gathered the multitude together they delivered the Epistle.*

Thus much in way of pursuit for this one argument, that no Canons can binde the Laity where we have no voyce of our

owne, nor choyce of the Clergie persons who doe found them, nor assent in the susception of them after they are framed. *Quod omnes tangit ab omnibus tractari debet.*

It remaines as a wish that every member of that meeting, who voted these exorbitant Canons, should come severally to the barre of the Parliament house with a Canon booke in his hand, and there unlesse he can answer his *Catechisme* (as I call'd it) and shew what is the name of their meeting, and (unlesse hee can manifest that the Laity are no part of the Church) *conceptis verbis* in such expresse termes as that house should thinke fit, to abjure his owne ill-begotten issue, or else be Commanded to give fire to his owne Canons.

FINIS.